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PATENT APPLICATION

ATTORNEY DOCKET NO. 10017981-2



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Ronald P. Dean et al

Confirmation No.: 6453

Application No.: 10/655,443

Examiner: Wujciak, A. J.

Filing Date: 09/04/2003

Group Art Unit: 3632

Title: SYSTEM AND MEANS FOR THE SECURE MOUNTING OF A DEVICE BRACKET

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TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith in *triplicate* is the Reply Brief with respect to the Examiner's Answer mailed on 10/04/2005. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

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Docket No.: 10017981-2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ronald P. Dean et al.

Application No.: 10/655,443

Confirmation No.: 6453

Filed: September 4, 2003

Art Unit: 3632

For: **SYSTEM AND MEANS FOR THE SECURE
MOUNTING OF A DEVICE BRACKET**

Examiner: A. J. Wujciak

APPELLANT'S RESPONSE TO EXAMINER'S ANSWER (37 CFR 1.1939(b))

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

This Reply is in response to the Examiner's Answer mailed October 4, 2005. (hereinafter the "Answer"). Appellant respectfully requests withdrawal of the final rejection, reopening of prosecution, and allowance of the above-captioned application. Should the Examiner not find the comments contained herein persuasive, acknowledgement of receipt and entry of this Reply Brief is requested.

Summary of Reply Arguments Presented Below

- (A) Claims 1, 3-4, 6, 8, 10, 15 and 19-20 stand improperly rejected under 35 U.S.C. § 103(a).
- (B) Claims 12-14 stands improperly rejected under 35 U.S.C. § 103(a).

Reply Arguments

- A. Claims 1, 3-4, 6, 8, 10, 15 and 19-20 stand improperly rejected under 35 U.S.C. § 103(a).

The Appellee, in the Examiner's Answer dated October 4, 2005 addresses two issues regarding Appellant's arguments for claims 1, 3-4, 6, 8, 10, 15 and 19-20. First the Appellee responds to Appellant's lack of motivation argument by stating that Gonzalez and Ho both teach analogous art for supporting the disk drive bracket in a computer chassis, and that they are designed to be removeably attached to the computer. The Appellee further states that Gonzalez and Ho both teach mounting bracket assembly slots for engaging with the tabs on the chassis base.

The Appellee correctly states that there must be some teaching, suggestion, or motivation to combine the references found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. However, neither the Appellee's original statement, nor the statements provided in the Examiner's Answer, as set forth above, provide the required motivation for combining the cited references. The Appellee's statements in the Examiner's Answer are merely conclusory statements that the cited art is analogous. Appellee has not provided any motivation to modify Gonzalez with the tapered slot of Ho.

Second the Appellee, in the Examiner's Answer, responds to the Appellant's lack of all claim limitations argument by stating that since the base reference (Gonzalez) teaches a plurality of slots (216 and 224), it would be obvious to have modified the base reference's plurality of slots with Ho's tapered slot. Applicant would respectfully point out that Gonzalez only shows one tab 402 on the chassis base 102 which engages with slot 216 according to the Examiner's rejection. The other slot 224 noted by the Examiner is not

capable of engaging with one of a plurality of tabs on the chassis base as is required by claim 1. Therefore, even modifying this slot with the taper of Ho (Applicant notes on page 6 of the Appeal Brief that slot 222, opposing slot to slot 224, is already tapered), would not cure the deficiency argued by Appellant in the Appeal Brief. Neither Gonzalez, nor Ho shows “a plurality of tabs on said chassis base, said plurality of tabs for engaging with said plurality of tapered mounting bracket assembly slots” as required by claim 1.

As Appellee has neither established proper motivation to make the combination of record, nor that the combination has all the required limitations of the claims, the rejection under 35 U.S.C. § 103(a) is improper.

B. Claims 12-14 stands improperly rejected under 35 U.S.C. § 103(a).

Claim 12 requires a means for vertical alignment. Claims 13 and 14 depended directly from claim 12 and thereby inherit all of the limitations of base claim 12. Appellee states in the Examiner’s Answer that the specification of Gonzalez describes element 214 is used for stacking on other brackets, and that this is considered means for vertical alignment to stack up brackets in a vertical direction.

Applicant respectfully disagrees with the Appellee’s characterization. That Gonzalez describes base tabs 214 as being employed to stackably mount two brackets does not mean that tabs 214 provide vertical alignment as required by claims 12-14. Appellant stands by the arguments put forward on this point in the Appeal Brief.

As Gonzalez does not describe a means for vertical alignment, and Ho is not relied upon as teaching this feature, the combination does not show all of the claimed limitations. The rejection of claims 12-14 under 35 U.S.C. § 103(a) is, therefore, improper for at least this reason.

Conclusion

As for any of the claims or arguments not specifically discussed above, Appellant hereby reasserts the arguments presented in Appellant's Appeal Brief.

For the reasons advanced in Appellant's Appeal Brief and in this Reply, Appellant respectfully submits that claims 1-20 are of patentable merit. Therefore, reversal of the outstanding rejections is courteously solicited.

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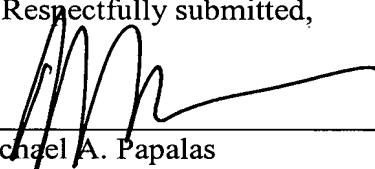
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